

Defendant is advised that Federal Rule of Criminal Procedure 35 controls when a motion to correct or reduce a sentence can be filed. If the sentencing

court needs to correct a sentence that resulted from an arithmetical, technical or other clear error, the time limit to do so is 14 days from the imposition of sentence. The only other time a sentence can be reduced pursuant to Rule 35 is by motion of the Government. Defendant does not qualify for consideration under Federal Rule of Criminal Procedure 35.

For the reasons stated above, Defendant's motion will be dismissed. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: July 9, 2010.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CASE NO. 1:CR-08-194

v.

LUIS ENRIQUE TORO

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ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY
ORDERED THAT:**

- 1) Defendant's motion for sentence reduction, release and discharge is
DISMISSED.
- 2) This court declines to issue a certificate of appealability.

s/Sylvia H. Rambo
United States District Judge

Dated: July 9, 2010.